THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1716 OF 2005

Date: 05-10-2005

Between:

Engineer in Chief, A.P.Transco and others …Appellants

And

M.Sudhakara Rao …Respondent

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1716 OF 2005

J U D G M E N T (Per the Hon'ble Sri Bilal Nazki, ACJ)

Heard learned counsel for the parties.

The writ appeal has been filed against an order passed by a learned Single Judge in Writ Petition No.3790 of 2000. The case of the writ petitioner/respondent was that he was entitled to a refund of an amount of Rs.3,21,988/- and his entitlement was decided by a statutory authority i.e. the Chief Electrical Inspector, Government of A.P. The learned Single Judge allowed the writ petition on the ground that there was no dispute with regard to the entitlement of the petitioner to the amount of Rs.3,21,988/-.

An inspection was made on 15-09-1997 over the premises of the writ petitioner. Irregularities were found. Proceedings were initiated and ultimately his liability was fixed by the primary authority. Against the order of the primary authority, an appeal was preferred by the writ petitioner before the Chief Electrical Inspector, Hyderabad, who passed orders on 19-06-1999 reducing the liability. In the meantime, the petitioner paid the amount, which he had to pay in terms of the order of the primary authority. Since the appellate authority fixed the liability at a lower amount than fixed by the primary authority, the Chief Electrical Inspector directed refund of the excess amount, which was Rs.3,21,988/-. This was not disputed by the writ appellants

before the learned Single Judge, therefore, there was no option with the learned Single Judge except to allow the writ petition. The learned counsel for the appellants, however, submits that the learned Single Judge has recorded in para 2 of the judgment that the Chief Electrical Inspector had ordered refund of an amount of Rs.3,21,988/- along with interest at 18% per annum from 19-06-1999, but, the Chief Electrical Inspector had not at all allowed any interest.

We have gone through the order of the Chief Electrical Inspector and have found that he had not ordered payment of any interest. In this view of the matter, we dispose of the writ appeal modifying the order of the learned Single Judge that the writ petitioner/respondent shall be entitled to an amount of Rs.3,21,988/- and no interest there on. During the pendency of this writ appeal, the amount has already been deposited with the Registrar (Judicial) of this Court. He is directed to reimburse the amount to the writ petitioner/respondent. No order as to costs.

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(Bilal Nazki, ACJ)

5th October, 2005

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(R.Subhash Reddy,J)

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